

REMARKS/ARGUMENTS

Claims 1, 2, 14-18 and 26-29 remain in this application. Claims 1 and 26 have been amended herein. Claim 5 has been cancelled previously. Claims 3, 4, 10-13, and 19-25 have been withdrawn previously, and claim 26 has been amended previously, as a result of a restriction requirement. In view of the earlier restriction requirement, applicant retains the right to present claims 3, 4, 10-13, and 19-25 and claim 26 as originally submitted (or an appropriate derivative thereof) in a divisional application.

1. Specification

The Applicants thank the Examiner for acknowledgement of the changes made to the Specification and acceptance of those changes.

2. Double Patenting

The Examiner has rejected claims 1, 2, 6 – 9, 14 – 18 and 26 – 29 on the grounds of nonstatutory double patenting over claims 1 – 17 of copending application no 11/016/093. Applicant will submit a terminal disclaimer, if needed, at such time as the pending claims are determined to be otherwise allowable.

4. § 103 Rejections

Claims 1, 2, 6, 8, 9, 14 – 18 and 26 - 29 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable for obviousness over Morse, et al (US 6,960,235) in view of Burdon, et al (US6,572,830). Claim 7 currently stands under 35 U.S.C. 103(a) as being obvious over Morse, et al (US 6,960,235) in view of Burdon, et al (WO00/21659), as applied to claim 1 and further in view of Tonkovich, et al (WO01/12312) and Haga, et al (US 2001/0016188). Claims 8 and 9 currently stand rejected over Morse, et al (US 6,960,235) in view of Burdon, et al (WO00/21659), as applied to claim 1, and further in view of Haas-Santo, et al.

Claims 1 and 26 have been amended herein to recited in part that “coating layer include[es] a catalyst support and a catalyst, the catalyst being uniformly distributed throughout the coating layer. . .” This amendment is believed to be supported, at least, by the text of the specification at paragraphs [0025], [0033], and [0074] (second part), which describe a coating having a uniform distribution of catalyst throughout the coating, and methods to obtain such a coating.

The Morse reference discloses the use of thin film deposition, ion exchange and sol-gel doping methods (column 6, lines 1-9). It is respectfully submitted that such methods do not result in a coating having both a catalyst support and a catalyst with the catalyst being uniformly distributed through the coating layer as recited in the present claims. It appears that the other references of record add nothing on this point. Accordingly, claims 1 and 26 are believed to be allowable over the art of record. As the other claims currently pending depend from either claim 1 or claim 26, the other claims are likewise believed to be allowable on this basis.

Based upon the above amendments, remarks, and papers of records, applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

5. Conclusion

Applicant believes that a three-month extension of time is necessary to make this Reply timely, and a request for such is submitted together herewith. Should applicant be in error, applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.


Please direct any questions or comments to Gregory V. Bean at 607-974-2698.

Respectfully submitted,

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Gregory V. Bean
Attorney/Agent for Applicant
Registration Number: 36,448
Corning Incorporated
Intellectual Property Department
Mail Stop: SP-TI-03-1
Corning, NY 14831
Phone: 607-974-2698

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